IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6985 OF 2005

Shankar Dagdu Pawar & Ors. .. Petitioners
Versus
Smt.Anjana Sakharam Thigale .. Respondent

Mr.V.B.Tapkir for petitioners
Mr.G.S.Godbole with R.D.Barne for respondent

CORAM : S.C.DHARMADHIKARI, J.
DATE : 31st January 2006.

P.C.

. Heard Mr.Tapkir for petitioners, Mr.Godbole for respondents. Petitioner is aggrieved by an order passed in Misc.Civil Appeal preferred by respondent - plaintiff to challenge an order dated 17th September 2004 passed in Civil Suit No.132 of 2004.

2. Upon materials produced including the

fact that the petitioners herein could not demonstrate, prima facie, their right and possession over one acre portion of the land, lower appellate court has restrained them temporarily from obstructing peaceful possession of respondent plaintiff over the suit land till disposal of the main suit. This is on the basis of the documents including a sale deed dated 3rd December 1945. Trial has been expedited.

3. In my view, no interference is permissible under Article 227 of the Constitution of India nor any error apparent or perversity is demonstrated, warranting such interference. However, considering the fact that trial is expedited and one of the defendant is senior citizen, trial court to endeavour and dispose of the suit by end of 2006. Petition dismissed.

(S.C.DHARMADHIKARI, J)